

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAX ORTEGA III,

Plaintiff,

Case No: 1:21-cv-00728 RB-JHR

**WILLIAM EDGMAN,
LOUISE LOPEZ,
NEW MEXICO CORRECTIONS
DEPARTMENT, and DOES (1-50),**

Defendants.

AFFIDAVIT OF HOPE SALAZAR

Hope Salazar, being duly sworn upon her oath, states:

1. My name is Hope Salazar. I am over the age of 18 and I am of sound mind and memory. I am competent to make this Affidavit and have personal knowledge of the facts and matters contained herein and do hereby testify to these facts and matters.
2. I am the Classification Bureau Chief for the New Mexico Corrections Department (NMCD).
3. Max Ortega was initially brought to CNMCF/RDC intake on 12/11/2018 as a County Jail (or "CJ") Hold pursuant to a Safekeeping Order entered by the State District Court Judge, Judge Emeilio J. Chavez.
4. On 12/18/2018, Mr. Ortega was transported from RDC to the 8th District Court in Raton, NM. When Mr. Ortega was returned to CNMCF/RDC on 12/21/2018 his status was again listed as a County Jail Hold.

5. As a County Jail Hold, Mr. Ortega was placed in the Restrictive Housing Unit (RHU) in accordance with NMCD policy CD-143500 (the Safekeeping Policy) during the entire time he was housed by NMCD while awaiting trial between 12/11/2018 and 11/6/2019.

6. Mr. Ortega's status was listed as a "County Jail Hold" during the entire time he was housed at NMCD between 12/21/2018 and 11/6/2019, as reflected in the NMCD report dated December 31, 2019 (NMCD_00039).

7. The "Restrictive Housing Quarterly Housing Report" (last revised on August 23, 2019 (the "Report")) does not accurately reflect Mr. Ortega's reason for placement in RHU. The entry of "2" on the Report is an error. The entry code that should have been used, if any, should have been "1" (Inmate threatens the secure and orderly management of the Institution and/or is a threat to others or a danger to themselves") in light of the Safekeeping Order entered by the State District Court Judge, Judge Emeilio J. Chavez, and the information provided to NMCD by the Trial Court Administrative Assistant of for Judge Emeilio J. Chavez indicating that Mr. Ortega posed a threat to himself and others.

8. Mr. Ortega's status at all times between 12/11/2018 and 11/06/2019 was a "County Jail Hold" as reflected in the NMCD report dated December 31, 2019 (NMCD_00039). Mr. Ortega was not classified as an inmate housed in temporary Restrictive Housing for the purposes of transfer to another facility at any point during this time.

9. Mr. Ortega could not be classified as an inmate pending transfer to another facility between 12/11/2018 and 11/06/2019 because County Jail Holds are not eligible to be transferred to other prison facilities, as they have not been sentenced to serve a prison term at any facility as an inmate of NMCD.

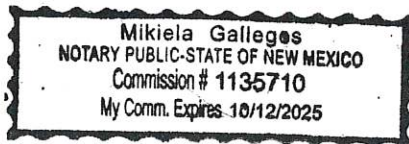
10. The right to periodic reviews under NMCD's RHU Policy does not apply to County Jail Holds. County Jail Holds must be placed in RHU in accordance with NMCD policy CD-143500 (the Safekeeping Policy) during the entire time they are housed by NMCD.

FURTHER AFFIANT SAYETH NAUGHT.



Hope Salazar

SUBSCRIBED AND SWORN before me this 20 day of February, 2023 by Hope Salazar.





Notary Public

My Commission Expires:

10/12/2025